

### **REMARKS**

Claims 33-50 are now pending in the application. Claims 39 and 41 are amended herein. Support for the amendment to claim 9 can be found at least in Figures 30-33 of the present application. New claims 46-50 are added herein. Support for new claims 46-50 can be found at least in Figures 30-33 of the present application. No new matter has been added. The Examiner is respectfully thanked for the Telephonic Interview of February 28, 2005. There were no exhibits given nor any demonstrations conducted. Claim 39 was discussed relative to the Cutler reference and the Pomerleau reference. Agreement was reached that original claim 39 defined patentable subject matter over the Cutler reference and that the amendment to claim 39 contained herein further defines patentable subject matter over the Pomerleau reference. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 112**

Claim 41 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed. Notwithstanding, claim 41 is amended herein. It is believed that with the amendment to claim 41 the rejection is now moot. Accordingly, withdrawal of the instant rejection is requested.

## **REJECTION UNDER 35 U.S.C. § 102**

Claims 39, 40 and 42-44 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Cutler (U.S. Pat. No. 2,800,960). This rejection is respectfully traversed.

Claim 39 calls for “at least two crimping members . . . each being operable to . . . rotate about separate pivots . . . said ram member being operable to . . . rotate said crimping members about said separate pivots . . . to form said crimp joint.” In contrast, the metal cutting and crimping tool of the Cutler reference does not teach, disclose nor suggest these features. Rather, the Cutler reference discloses crimping members 14, 15 that slide in guided relationship within passageways 26, 27 due to movement of handles 16, 17. See at least column 3, lines 24-26, column 4, lines 39-45 and Figures 1, 5 and 11-14 of the Cutler reference. The sliding of crimping members 14, 15 within passageways 26, 27 is not the same as nor remotely similar to the rotating of the crimping members about separate pivots as called for. Accordingly, for at least this reason it is respectfully submitted that claim 39 is not anticipated by and is patentable over the Cutler reference.

Furthermore, claim 39 also calls for “a ram.” It is respectfully submitted that the metal cutting and crimping tool of the Cutler reference does not disclose the use of a ram. Rather, the Cutler reference relies upon two handles 16, 17 that are pivotally coupled together. Movement of the handles 16, 17 toward one another causes movement of crimping members 14, 15 to form the crimp joint. Handles 16, 17, however, are not a ram as called for. Accordingly, for at least this additional reason it is respectfully submitted that claim 39 is patentable over the Cutler reference.

Claims 40 and 42-44 all depend from claim 39 and, therefore, for at least these same reasons are also not anticipated by and are patentable over the Cutler reference. Accordingly, withdrawal of the instant rejection is requested.

Moreover, claim 40 calls for "said engaging portion of said ram flares outwardly." In contrast, as stated above, the Cutler reference fails to disclose a ram. Additionally, the engaging portions that engage with crimping members 14, 15 are screws 30, 31 that extend through openings in handles 16, 17 and into crimping members 14, 15. Screws 30, 31, however, are rounded in cross-section. Accordingly, screws 30, 31, while they are not a ram, also do not flare outwardly. Thus, for at least this additional reason it is respectfully submitted that claim 40 is patentable over the Cutler reference and withdrawal of the instant rejection is requested.

Claims 39, 43 and 45 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Pomerleau (U.S. Pat. No. 5,937,690). This rejection is respectfully traversed.

Claim 39 calls for "at least two crimping members . . . each being operable to pierce a same surface of said framing members." In contrast, the crimping members (knife members 136, 138 and cutting blades 140, 142) of the Pomerleau reference are directly opposed to one another and crimp different surfaces of the framing members. That is, with the crimping members being directly opposed and moving in opposite directions, each crimping member operates on a different surface of the C-shaped framing members to form crimp joints therein. See at least Figures 12 and 14-22 and column 10, lines 2-5, 25-30 and 44-51 of the Pomerleau reference. Thus, the configuration disclosed and taught in the Pomerleau reference is incapable of having

the crimping members each being operable to pierce a same surface of the framing members as called for. Thus, for at least this reason it is respectfully submitted that claim 39 is patentable over the Pomerleau reference. Claims 43 and 45 both depend from claim 39 and, therefore, for at least this same reason are also patentable over the Pomerleau reference. Accordingly, withdrawal of the instant rejection is requested.

Claim 45 calls for "wherein said crimping members pierce through said framing members at a common location and rotate away from one another when forming said crimp joint." In contrast, the Pomerleau reference discloses the crimping members (knife members 136, 138 and cutting blades 140, 142) that pierce through framing members at separate and distinct locations. The locations at which the crimping members pierce through the framing members are not a common location as called for. Thus, for at least this additional reason it is respectfully submitted that claim 45 is patentable over the Pomerleau reference and withdrawal of the instant rejection is requested.

#### **NEW CLAIMS**

New claims 46 and 47 are added herein. It is respectfully submitted that claims 46 and 47 further define subject matter that is patentable over the prior art of record. Furthermore, claims 46 and 47 both depend from claim 39 which, for at least the reasons stated above, is patentable over the prior art of record. Thus, allowance of new claims 46 and 47 is requested.

New claims 48-50 are added herein. It is respectfully submitted that these claims define patentable subject matter over the prior art of record. Accordingly, allowance of claims 48-50 is requested.

**ALLOWABLE SUBJECT MATTER**

Claims 33-38 are allowed. The Examiner states that claim 41 would be allowable if rewritten in independent form. The Examiner is respectfully thanked for the allowance of claims 32-38 and the objection to claim 41.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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